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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.2438US (P22191)						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		<table border="1"> <tr> <td>Application Number 10/580,557</td> <td>Filed May 26, 2006</td> </tr> <tr> <td colspan="2">First Named Inventor Benjamin Liu</td> </tr> <tr> <td>Art Unit 2445</td> <td>Examiner Jonathan U. Willis</td> </tr> </table>	Application Number 10/580,557	Filed May 26, 2006	First Named Inventor Benjamin Liu		Art Unit 2445	Examiner Jonathan U. Willis
Application Number 10/580,557	Filed May 26, 2006							
First Named Inventor Benjamin Liu								
Art Unit 2445	Examiner Jonathan U. Willis							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>Note: No more than five (5) pages may be provided.</p>								
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor. _____ /Timothy N. Trop/ _____ Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) _____ Timothy N. Trop _____ Typed or printed name</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 28,994 _____ (713) 468-8880 _____ Telephone number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ May 13, 2011 _____ Date</p>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>								

<input type="checkbox"/>	*Total of _____ forms are submitted.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§ Art Unit:	2445
Benjamin Liu	§ Examiner:	Jonathan U. Willis
Serial No.:	§ Conf. No.:	5968
10/580,557	§ Docket:	ITL.2438US
Filed:	§ P22191	
May 26, 2006	§ Assignee:	Intel Corporation
For:	Managing Device Models in a Virtual Machine Cluster Environment	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pre-appcal review is requested because none of the cited references teach the feature claimed in claim 1 that the client platform requests the server platform to handle an input/output operation by including, in the request, a module identifier to identify a device module from a plurality of device modules in the server platform. In other words, the client asks the server to handle an input/output operation by providing an identifier for the server.

The final rejection notes that this feature is not taught in the cited reference to Bantz, but, instead, cites Takamura for this feature.

The claim requires that you determine on the client that there is an input/output operation on the client and request that the server handle the input/output operation. The request must include a driver identifier that the server can use.

In contrast, in Takamura, we have the server asking the client to handle the input/output operation. This must be so because only the server has the I/O devices and the last sentence of paragraph 36 makes this clear, as well.

Date of Deposit: May 13, 2011
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Cynthia L. Hayden

Thus, we have the directions going in the opposite direction in the cited reference. In the cited reference, it is clear that the execution of the input/output operation is done on the client because, in Figure 2, item 903, is on the client and the item 260, which is the client processing is expressly addressed in paragraph 36 of the cited reference: “According to the hypervisor, virtual I/O client processing 260 is executed and reading from the I/O device of the server computer is completed.” Thus, the input/output on the server is handled by the client, instead of the server, in the cited reference.

But even ignoring this difference, there is another, even more significant, difference. In the case of the cited reference, the device driver is found on the device that is going to service the input/output operation, namely, the client, as explained in paragraph 35. The way the right device driver is found is to perform a search on the client using the driver search 211. Thus, the device that is going to do the I/O operation finds the right driver itself in the cited reference.

In contrast, in the claimed invention, the device that is being serviced (the client), instead of the servicing device (the server), provides the servicing device with the information about the right driver so that the servicing device can perform the operation.

The claimed mode of operation is superior to that suggested in the cited reference. The cited art requires that the device that does not even have the input/output device find the right driver. It makes more sense to handle the I/O in the way that is claimed.

Therefore, reconsideration of the rejection of claim 1 is respectfully requested.

For the same reasons, reconsideration of the rejection of claims 8, 11 and 18 is requested. Reconsideration of the rejection of claims 32-39 is requested on the same basis described above.

Reconsideration is not requested with respect to the rejection of claims 26-31.

With respect to the Section 101 rejection, it is hard to see how it can reasonably be contended that the claim could cover transitory media since the claim has expressly been intended to call for a “tangible” medium. It is not clear why it is believed that a tangible medium could cover transitory media.

Therefore, reconsideration is requested.

Respectfully submitted,

Date: May 13, 2011

/Timothy N. Trop/

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